



**Mary J. Dulacki**  
Deputy Director  
Department of Public Safety

March 27, 2019  
**DEPARTMENTAL ORDER OF DISCIPLINARY ACTION**  
Case No. IC2018-0058

Jeremy Ownbey (P06116)  
Officer in the Classified Service  
Denver Police Department

This is before the Executive Director of the Department of Safety to approve, disapprove or modify the Chief of Police's Written Command ordering disciplinary action against Officer Jeremy Ownbey. The Written Command determined that Officer Ownbey violated RR-102.1, Duty to Obey Departmental Rules and Mayoral Executive Orders, as it pertains to, OMS 117.05, Department of Safety EEO Policy (sworn and civilian), of the Denver Police Department Operations Manual when he made inappropriate comments of a sexual nature during a call for service and while conducting a ride along with a Denver Police Department civilian intern. The Written Command determined that this was a Conduct Category F rule violation and imposed a penalty of termination. The Written Command also determined that Officer Ownbey violated RR-105, Conduct Prejudicial, of the Denver Police Department Discipline Handbook, when he made inappropriate comments of a sexual nature during a call for service and while conducting a ride along with a Denver Police Department civilian intern. The Written Command determined that this was a Conduct Category F rule violation and imposed a penalty of termination.

On July 3, 2018, a civilian "for credit" intern with the Denver Police Department was assigned to participate in a ride along with Officer Ownbey. She reported hearing that Officer Ownbey "doesn't have a filter," and at the start of the ride along, Officer Ownbey told her that he did not usually have interns assigned to ride with him. When asked why, Officer Ownbey informed her of the details of a prior IA investigation that he described as portrayed by the media as a "swinger event" which resulted in him almost getting fired. Officer Ownbey said that he was prompted to make these revelations because of comments made by officers after roll call related to his "past trouble." During the pre-disciplinary hearing, Officer Ownbey offered that the previous incident "set the tone of the day" and to deflect attention from the prior news story, he "took that opportunity to challenge her to being offensive" and "that, later on in the day would be something much worse than anything she could have read about me in the news."

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Officer Ownbey and the intern responded to a missing person call at a hotel on East 45<sup>th</sup> Avenue. Upon arrival at the hotel, the intern used the lobby restroom. When she emerged and met Officer Ownbey at the front desk, he jokingly identified her as a prostitute who had earlier escaped his custody and run into the hotel. This comment was made in the presence of the front-desk clerk and the intern described the clerk as “giggling nervously” in response to the comment.

Later during the call, Officer Ownbey told the other officers on scene about the prostitute joke. Officer Ownbey said “(i)t didn’t embarrass her, but I tried” and when another officer said “you gotta try harder than that”, Officer Ownbey replied, “(n)othing like a challenge!”

Officer Ownbey admitted to bantering “eight hours, all day, back and forth” with the intern. He said some of that bantering was not of a sexual nature, but he admitted some of it was. The intern said that Officer Ownbey called her the “hot blonde intern” several times and jokingly called her a whore twice. At one point, the intern told Officer Ownbey about an ex-boyfriend and she perceived him trying to make a joke that she slept around a lot and he suggested that she could make a lot of money on the street and offered to “leave [her] off here” (the street).

The entire shift, Officer Ownbey responded to only one call for service and “basically [she] was with him the entire day in the car with just him.”

Officer Ownbey commented that the intern had not recently shaved her armpits in front of other officers. The intern indicated this made her a “little uncomfortable”, but “then he kind of just kept harping on it.” The intern recalled that Officer Ownbey brought up the topics of waxing and laser hair removal and offered that he had used those processes on his genitalia and suggested she should explore those options.

During lunch, when the intern revealed her allergy to a particular food, Officer Ownbey made a joke about having a chance to perform “mouth-to mouth” on her and said he was excited by the prospect. Because the intern viewed Officer Ownbey as her superior, she did not say anything to him at the time. “I mean I guess I probably should have said something at that point but it was an uncomfortable situation for me because I view him a superior, so I didn’t really – I kind of like looked at him and like rolled my eyes”.

In a discussion about the intern’s past boyfriend, Officer Ownbey admitted that he responded by telling her that he concluded she prefers “uncircumcised, dirty” male genitalia. The intern stated that she never brought up the subject of genitalia and that the discussion made her uncomfortable.

The intern never felt fear for her safety, but she told Internal Affairs that she felt “quite uncomfortable from the like all day badgering with him”. It should be noted that the details of this ride along were not reported as a complaint, but rather, became known during a regularly scheduled check-in with the DPD Program Coordinator. The intern expressed concern about the

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matter being elevated to the level of a formal investigation because she hopes to seek employment as an officer with the Denver Police Department in the future and she did not want this incident to affect her getting hired by the Department. She did not want to get a reputation as a “snitch”. While the intern did participate in some of the banter, she stated that her “goal is to get on the Department so I didn’t know how I should handle it.”

Other officers were interviewed, and some described the intern’s behavior as flirtatious, playful and “overly chatty”. However, during another ride along, the supervising officer reported nothing out of the ordinary and a detective she met at lunch described her demeanor as “professional” and “polite” and reported that she discussed nothing sexually related.

Officer Ownbey admits that he should have exercised better judgment in his conversation with the intern. During his pre-disciplinary hearing, Officer Ownbey stated that the intern presented ‘like one of the guys’ and her mutual banter, teasing and demeanor “led to the mistakes” he made. He admitted that he made comments that are “completely inappropriate for any setting.” Officer Ownbey agreed that his comments were “rude”, “not appropriate for the workplace”, “unbecoming” of himself, and that “could be repulsive to some”. Officer Ownbey also admitted that “in certain settings” he “does not have a filter.”

**RR-102.1, Duty to Obey Departmental Rules and Mayoral Executive Orders, of the Denver Police Department Operations Manual, provides that,**

Officers shall obey all Departmental rules, duties, procedures, instructions, and orders; the provisions of the Operations Manual; and Mayoral Executive Orders.

As it pertains to,

### **OMS 117.05 (2) Conduct Prohibited**

Examples of conduct that could violate this policy include, but are not limited to:

- a. Verbal conduct such as epithets, derogatory comments, slurs, unwanted sexual advances, invitations, or comments[.]

Officer Ownbey admitted to bantering “eight hours, all day, back and forth” with the intern. He said some of that bantering was not of a sexual nature, but he admitted some of it was. One example is Officer Ownbey’s joke to a hotel desk clerk about the intern being a prostitute, which was captured on body-worn camera. Additionally, Officer Ownbey joked with the intern about her liking uncircumcised, dirty male genitalia. During their lunch break, Officer Ownbey turned a discussion about allergies into innuendo about kissing the intern when he expressed excitement

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about giving her “mouth-to-mouth”. Officer Ownbey called her “the hot blonde intern” several times and jokingly called her a whore.

The intern is a young woman who aims to become a member of the Denver Police Department. While she participated in some of the inappropriate conversations, she was uncomfortable and uncertain of her place or how to address Officer Ownbey’s continued pervasive, inappropriate colloquy without compromising her future career options. Rather than direct the intern toward appropriate professional comportment, Officer Ownbey led her to inappropriate workplace dialogue.

Officer Ownbey was a representative of the Department and in a position of authority over the intern who was participating in a ride along as part of her duties. The intern viewed Officer Ownbey as a superior and that influenced her decision to not address her discomfort with some of his comments. The intern hopes to seek employment as an officer with the Denver Police Department in the future. She did not seek a formal investigation of this incident because she did not want it to affect her ability to be hired.

A violation of RR-102.1 appears in Conduct Categories A through F of the disciplinary matrix. In analyzing the misconduct to determine the appropriate Conduct Category, Section 15.0 of the Discipline Handbook requires the following considerations:

- The general nature of the misconduct in this case is that Officer Ownbey engaged in pervasive, graphic, sexually oriented banter during a ride along with a Denver Police Department intern which he admits was inappropriate for the workplace. (See Sec. 15.1.1)
- The mission statement for the Department avows “(t)o deliver high quality public safety services so all people may share a safe and healthy environment.” To achieve its mission, the vision statement aims “to promote professional, well-trained, ethical and accountable employees”. To accomplish its mission, the Department values, among other qualities, integrity, accountability and respect. Officer Ownbey’s actions detailed above and which he described as “completely inappropriate for any setting” are unprofessional and contrary to the mission, vision and values of the Department. The lack of respect he demonstrated for the intern under his supervision was a poor representation of the values of the Denver Police Department. (See Sec. 15.1.2)
- The misconduct described above resulted in the assignment of departmental resources to investigate and review the entire shift Officer Ownbey spent with the intern as his ride along. During the events of that day, Officer Ownbey represented the Department in an unacceptable manner that damaged the image of the Department to a citizen (the front desk clerk) as well as to a prospective applicant to the Department. (See Sec. 15.1.3)

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- The actual and demonstrable harm is that Officer Ownbey, by his own admission “does not have a filter” which resulted in his making “rude” comments that “could be repulsive to some” and that are “completely inappropriate in any setting”. Were the Department to excuse this misconduct, it could be seen as endorsement of this unacceptable behavior for other members of the Department. (See Sec. 15.1.4)
- The impropriety of the misconduct outlined above may be characterized as unethical. Additionally, during the shift Officer Ownbey was in a position of authority over the civilian intern and his behavior demonstrated a misuse of that authority. (See Sec 15.1.7)

The public demands, and the Department expects that officers hold themselves to a high standard of conduct. In March 2016, Officer Ownbey was terminated for serious misconduct in Case Number IC2014-0052, and that termination was held in abeyance for two years in part because of his willingness to accept responsibility and his pledge that he would never violate any rule again. (Officer Ownbey did serve a ninety-day suspension without pay in that case.) Only a few months after the expiration of that abeyance, Officer Ownbey engaged in pervasive, graphic, sexually oriented banter during a ride along with a Denver Police Department intern which he admits was inappropriate for the workplace. This conduct is aggravated by the fact that Officer Ownbey was in a position of authority over the intern during this ride along and that the intern was reluctant to report the incident as she feared retaliation regarding possible future employment with the Department. Officer Ownbey’s misconduct falls under Category F because it was “a willful and wanton disregard of Department values...[and] demonstrate[d] a serious lack of the integrity, ethics [and] character related to an officer’s fitness to hold the position of police officer[.]”

Pursuant to the disciplinary matrix, for a Category F, discipline level eight (8) violation, the mitigated penalty is ninety (90) days suspension, and the presumptive penalty is termination. There are no significant mitigating factors in this case that would justify a penalty outside of the presumptive range and therefore, the presumptive penalty of termination is warranted.

**RR-105, Conduct Prejudicial**, of the Denver Police Department Operations Manual, provides that,

Officers shall not engage in conduct prejudicial to the good order and police discipline of the Department or conduct unbecoming an officer which:

- b. Causes harm greater than would reasonably be expected to result, regardless of whether the misconduct is specifically set forth in Department rules and regulations or the Operations Manual.

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Officer Ownbey admitted to bantering “eight hours, all day, back and forth” with the intern. He said that some of that bantering was not of a sexual nature, but he admitted some of it was. Officer Ownbey admitted to making a joke to a hotel desk clerk about the intern being a prostitute, and that joke was captured on body-worn camera. Additionally, Officer Ownbey joked with the intern about her liking uncircumcised, dirty male genitalia. During lunch, Officer Ownbey turned a discussion about allergies into innuendo about kissing the intern when he expressed excitement about giving her “mouth-to-mouth”. Officer Ownbey called her “the hot blonde intern” several times and jokingly called her a whore twice.

The intern was participating in a ride along with Officer Ownbey who was representing the Denver Police Department and was in a position of authority over her. Officer Ownbey’s pervasive sexually oriented comments to the intern constitute unprofessional behavior. His behavior is a poor reflection on the Denver Police Department both to the public and to future DPD employees. His conduct was unbecoming for a member of the Denver Police Department.

A violation of RR-105 appears in Conduct Categories A through F of the disciplinary matrix. In analyzing the misconduct to determine the appropriate Conduct Category, Section 15.0 of the Discipline Handbook provides consideration of the following:

- The general nature of the misconduct in this case is that Officer Ownbey engaged in pervasive, graphic, sexually oriented banter during a ride along with a Denver Police Department intern which he admits was inappropriate for the workplace. His inappropriate conduct was a poor representation of the Department. This incident occurred only a few months after Officer Ownbey’s previous termination abeyance period expired. (See Sec. 15.1.1)
- The mission statement for the Department avows “(t)o deliver high quality public safety services so all people may share a safe and healthy environment.” To achieve its mission, the vision statement aims “to promote professional, well-trained, ethical and accountable employees”. To accomplish its mission, the Department values, among other qualities, integrity, accountability and respect. Officer Ownbey’s actions detailed above which he described as “completely inappropriate for any setting” are unprofessional and contrary to the mission, vision and values of the Department. (See Sec. 15.1.2)
- During the shift, Officer Ownbey chose to respond to a single call. The misconduct described above resulted in the assignment of departmental resources to investigate and review the entire shift Officer Ownbey spent with the intern as his ride along and represented the Department in an unacceptable manner that damaged the image of the Department to a citizen (the front desk clerk) as well as a prospective applicant to the Department. (See Sec. 15.1.3)

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- The actual and demonstrable harm is that Officer Ownbey, by his own admission “does not have a filter” which resulted in his making “rude” comments that “could be repulsive to some” and that are “completely inappropriate in any setting”. The harm to the reputation of the Department is self-evident when an officer chooses to engage in such behavior. Were the Department to excuse this misconduct, it could be seen as endorsement of this type of unacceptable behavior for other members of the Department. Again, this incident occurred only a few months after the termination period of abeyance expired in the prior case. After being placed on direct notice of the conduct expected by the Denver Police Department and failing to conduct himself in a matter consistent with those expectations, Officer Ownbey has harmed the Department. (See Sec. 15.1.4)
- Rather than provide an educational experience for the intern, Officer Ownbey “took that opportunity to challenge her to being offensive”. The impropriety of the misconduct detailed above may be characterized as unethical. Additionally, during the shift Officer Ownbey was in a position of authority over the civilian intern and his behavior demonstrated a misuse of that authority. (See Sec 15.1.7)

By making an inappropriate joke in front of a hotel clerk (identifying his civilian ride along as a prostitute and implying she had escaped from his custody) and engaging in day long sexually graphic banter with a Denver Police Department intern – someone who by the nature of her position with the Department was not Officer Ownbey’s peer and, as a future DPD employee, should have been exposed to exemplary professional conduct, rather than being placed in fear of retaliation for being labeled a “snitch” – Officer Ownbey’s misconduct falls under Category F because it was “a willful and wanton disregard of Department values,...[and] demonstrate[d] a serious lack of the integrity, ethics [and] character related to an officer’s fitness to hold the position of police officer[.]” Officer Ownbey recognized his demonstrated propensity to make poor choices when he admitted that “in some settings” he “does not have a filter” and described his conduct as “unbecoming of himself.” Officer Ownbey has not learned from his prior disciplinary action and his conduct is unbecoming of a police officer.

Pursuant to the disciplinary matrix, for a Category F, discipline level eight (8) violation, the mitigated penalty is ninety (90) days suspension, and the presumptive penalty is termination. There are no significant mitigating factors in this case that would justify a penalty outside of the presumptive range and therefore, the presumptive penalty of termination is appropriate.

Accordingly, the Written Command is hereby approved.

Pursuant to Denver City Charter § 9.4.15(A), Officer Ownbey has ten (10) days from receipt of this Order to file an appeal with the Civil Service Commission.

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BY ORDER:

Mary J. Dulacki  
Deputy Director of Safety

3-27-2019  
Date

OFFICER'S RETURN

I hereby certify that I received the within Departmental Order of Disciplinary Action and have delivered a true copy thereof to the within-named Jeremy Ownbey this 28<sup>th</sup> day of March 2019

J. CASIAS 99026  
Signature

J. CASIAS 99026  
Printed Name